IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE A.K.BASHEER

WEDNESDAY, THE 4TH JULY 2007 / 13TH ASHADHA 1929

WP(C).No. 26949 of 2004(G)

PETITIONER:

ST.MARY'S ENGLISH MEDIUM SCHOOL, BY THE SOCIETY OF THE DEMISE SISTERS DAUGHTERS OF MARY, IMMACULATE, MAVOOR REP. BY ITS MANAGER SR.MARINA, D/O.ITTY AVIRA,(PRESIDENT OF SOCIETY), PIPELINE ROAD, MAVOOR, KOZHIKODE 673 661, KOZHIKODE DISTRICT, KERALA STATE.

BY ADV. SRI.MANJERI SUNDERRAJ
SRI.B.PREMNATH (E)

RESPONDENTS:

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1. THE GOVERNMENT OF KERALA, REP. BY CHIEF SECRETARY, TRIVANDRUM.

2. THE SECRETARY TO THE GOVERNMENT OF KERALA, GENERAL EDUCATION DEPARTMENT, TRIVANDRUM.

3. THE DIRECTOR OF PUBLIC INSTRUCTIONS, GOVERNMENT OF KERALA, TRIVANDRUM.

4. THE DEPUTY DIRECTOR OF EDUCATION, DDE'S OFFICE, KOZHIKODE.

5. THE ASSISTANT EDUCATION OFFICER, (KOZHIKODE RURAL) AEO'S OFFICE, P.O.PUTHIYARA, KOZHIKODE 673 004.

BY GOVERNMENT PLEADER SRI. A.J. VARGHESE
SRI. C.P.S. PRASAD, A.G.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 04/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WPC NO 26949

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1. XEROX COPY OF THE MAVOOR PANCHAYAT PEOPLE'S PROGRAM SAMAGRA VIKASANA REGHA 1996

EXT.P2. PHOTOGRAPH SHOWING THE ST. MARY'S ENGLISH MEDIUM SCHOOL, MAVOOR, SCHOOL BUILDING FRONTAGE, BUILDING WITH GROUND, STUDENTS' ASSEMBLY GROUND, SPACIOUS CLASSROOM, COMPUTER STUDY ROOM TEACHERS' ROOM, PLAY GROUND

EXT.P3. COPY OF VISTORS NOTE BY DDE AND DEO, KOZHIKODE DT. 18.3.02

EXT.P4. COPY OF VISTORS NOTE BY AEO, KOZHIKODE RURAL

EXT.P5. COPY OF LETTER BY PTA, GWALIOR RAYON HIGH SCHOOL TO DPI, TRIVANDRUM DT. 27.4.02.

EXT.P6. COPY OF THE LETTER FROM DDEI, KOZHIKODE TO DIRECTOR OF EDUCATION TRIVANDRUM DT. 9.4.02 RECOMMENDING ENTRUSTMENT OF ONWARD RUNNING OF GWALIOR RAYON HIGH SCHOOL TO ST. MARY'S ENGLISH MEDIUM SCHOOL, MAVOOR DT. 9.4.02

EXT.P7. COPY OF REGISTERED LETTER BY ST.MARY'S SCHOOL FOR TRANSFER OF MAVOOR GWALIOR RAYONS SCHOOL TO THIS DT. 9.5.02

EXT.P8. LETTER FROM SECRETARY TO GOVERNMENT GENERAL EDUCATION DEPT., TRIVANDRUM TO DPI, TRIVANDRUM DT. 12.8.02

EXT.P9. COPY OF LETTER FROM SECRETARY TO GOVT. GENERAL EDUCATION DEPT. TO DPI DT. 17.9.02

EXT.P10. COPY OF LETTER FROM SRI. U.C. RAMAN, MLA, KUNNAMANGALAM DT. 1.4.04 TO NALAKATH SOOPI

EXT.P11. COPY OF LETTER FROM SHRI. K.M. MANI, HON'BLE MINISTER TO NALAKATH SOOPI

EXT.P12. COPY OF LETTER FROM SHRI. K.V. THOMAS TO NALAKATH SOOPI

EXT.P13. COPY OF EXTRACT OF GAZETTE PUBLICATION G.O.NO.NSI-81222/03 DT. 27.6.03 LIST OF SCHOOLS PROPOSED TO BE RECOGNISED. SERIAL NO.13 IS THE ST. MARY'S SCHOOL

EXT.P14. COPY OF NEWSPAPER CUTTING DT. 7.11.03

EXT.P15. COPY OF LETTER FROM PETITIONER TO EDUCATION MINISTER, SECRETARY TO GENERAL EDUCATION DEPT., DPI, TRIVANDRUM DT. 10.11.03

EXT.P16. COPY OF LETTER BY PTA DT. 10.11.03

EXT.P17. COPY OF FURTHER REPRESENTATION TO CHIEF MINISTER OF KERALA, BY PTA DT. 18.11.02

EXT.P18. COPY OF FURTHER REPRESENTATION TO CHIEF MINISTER OF KRALA BY PETITIONER DT. 25.11.02

EXT.P19. LETTER FROM AEO, KOZHIKODE RURAL DT. 29.3.04 PETITIONER ONLY ON 21.4.04

EXT.P20. COPY OF REPRESENTATION BY THE PETITIONER TO THE CHIEF MINISTER OF KERALA, DT. 1.5.04

EXT.P21. COPY OF REPRESENTATION BY THE PETITIONER TO THE CHIEF MINISTER OF KERALA, DT. 10.9.04.

EXT.P22. LIST OF TWELVE STUDENTS OF STD. VII OF THE PETITIONER SCHOOL REQUIRING SPECIAL PERMISSION TO WRITE THE FINAL EXAM AS PRIVATE STUDY PUPILS

EXT.P23. COPY OF REPRESENTATION BY PARENTS OF TWELVE STUDENTS OF STD. VII OF THE PETITIONER SCHOOL REQUIRING SPECIAL PERMISSION TO WRITE THE FINAL EXAM AS PRIVATE STUDY PUPILS

EXT.P24. LIST OF STUDENTS OF THE PETITIONER SCHOOL TO TAKE VII STD. PUBLIC EXAM THIS YEAR AS PRIVATE STUDY PUPIL

EXT.P25. COPY OF SEVEN CHALLAN RECEIPTS FOR FINAL EXAM FEE VII STD. REMITTED TO THE GOVT. DT. 27.1.06

EXT.P26. COPY OF MANAGER'S LETTER DT. 27.1.06 TO AEO, KOZHIKODE FOR PERMISSION

EXT.P27. LIST OF STUDENTS OF THE PETITIONER SCHOOL TO TAKE VII STD. PUBLIC EXAM THIS YEAR AS PRIVATE STUDY PUPIL

EXT.P28. COPIES OF FOURTEEN CHALLAN RECEIPTS FOR FINAL EXAM FEE VII STD. REMITTED TO THE GOVT. DT. 27.1.06

/TRUE COPY/

PA TO JUDGE.

A.K. BASHEER, J.

W.P.(C). NO. 26949 OF 2004

Dated this the 4th day of July, 2007

J U D G M E N T

Having heard learned counsel for the petitioner and the learned Advocate General, I am satisfied that this writ petition can be disposed of with a direction to respondent No.1 to consider the application submitted by the petitioner for grant of recognition to its Lower Primary and Upper Primary sections, in the light of the new guidelines. An appropriate decision in the matter shall be taken in accordance with law and in the light of the new guidelines issued by the Government expeditiously, after affording sufficient opportunity to the petitioner to be heard.

A.K. BASHEER, JUDGE

vps

A.K. BASHEER, JUDGE

OP NO.20954/00

JUDGMENT

1ST MARCH, 2007